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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,429	02/15/2002	Philip M. Green	C37780/123357	3592

7590 06/06/2005

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NEW YORK, NY 10104

EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,429

Applicant(s)

GREEN, PHILIP M.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4-6,10,12-15 and 23-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

158

DETAILED ACTION

Election/Restrictions

Regarding the restriction requirement: Applicant's election with traverse of Group II, claims 7-9 and 16-28, in the reply filed on 3/14/2005 is acknowledged. The applicant has not provided reasons for the traversal. The requirement has been reviewed by the Examiner and is still deemed proper and is therefore made FINAL.

Regarding the election of species requirement: Applicant's election with traverse of Group I, claims 7-9 and 16-22, in the reply filed on 3/14/2005 is acknowledged. The applicant has not provided reasons for the traversal. The requirement has been reviewed by the Examiner and is still deemed proper and is therefore made FINAL.

Claims 1-2, 4-6, 10, 12-15, and 23-28 have been withdrawn from consideration as being drawn to a non-elected invention or non-elected specie. Claims 3 and 11 were cancelled in a preliminary amendment.

Specification

The abstract of the disclosure is objected to because in the last line it appears the language "Rules may added" should be changed to --Rules may be added--.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9 and 16-22 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. In the Information Disclosure Statement file 4/9/2002, the applicant indicated on page 4, last two lines, that BONY received payment "for the accounting services performed with the use of the system of the present invention **inclusive of the accounting performed previously and up to that date**". Because the applicant received payment for accounting services performed prior to the critical 1 year bar date of February 15, 2001, it is believed that an offer for sale had occurred prior to the critical on-sale bar date.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blasnik et al.

Blasnik et al. disclose a method for accounting for a plurality of transactions for a plurality of accounts using a plurality of accounting rules, the accounts having a cost basis associated therewith, accounting information being derived for the transactions, and the derived accounting information being posted to a ledger.

The prior art lack the specific teaching of the sequence of the method steps, however the sequence would have been obvious to one of ordinary skill in the art at the

Art Unit: 3627

time of the invention, in view of Blasnik et al., in order to acquire the final accounting information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

**F. RYAN ZEENDER
PRIMARY EXAMINER**

F. Zeender
Primary Examiner, A.U. 3627
May 31, 2005

 5/31/05